

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

FILED  
IN CLERK'S OFFICE  
U.S. DISTRICT COURT E.D.N.Y.

★ MAY 01 2015 ★

LONG ISLAND OFFICE

LESLIE HUGHES-KENNEDY,

Plaintiff,

-against-

GC SERVICES, LP,

Defendant.

**CV 15 2504**  
COMPLAINT

**WEXLER, J.  
LINDSAY, M.**

NOW COMES Plaintiff, Leslie Hughes-Kennedy ("Plaintiff"), by and through her attorneys, Krohn & Moss, Ltd., for her Complaint against Defendant, GC SERVICES, LP ("Defendant"), alleges as follows:

Nature of the Action

1. This action is brought by Plaintiff pursuant to the Fair Debt Collection Practices Act ("FDCPA"), 15 U.S.C. § 1692 *et seq.*

Parties

2. Plaintiff is a natural person residing in Suffolk County in West Hampton Beach, New York,.

3. Plaintiff owes or allegedly owes a debt as that term is defined by 15 U.S.C. § 1692a(5) and is a consumer as that term is defined by 15 U.S.C. § 1692a(3).

4. Defendant is a business entity incorporated in Delaware with an office located at 6330 Gulfton St, Houston, Texas 77081.

5. Defendant, in the ordinary course of business, regularly, on behalf of itself or others, engages in debt collection and is a debt collector as that term is defined by 15 U.S.C. § 1692a(6).

6. Defendant acted through its agents, employees, officers, members, directors, heirs, successors, assigns, principals, trustees, sureties, subrogees, representatives, and insurers.

#### Jurisdiction and Venue

7. Jurisdiction of this court arises pursuant to 28 U.S.C. § 1331 and 15 U.S.C. § 1692k(d).

8. Venue is proper pursuant to 28 U.S.C. § 1391(b)(2) as the acts and transactions giving rise to this action occurred in this district as Plaintiff resides in this district and Defendant transactions business in this district.

#### Factual Allegations

9. Prior to the filing of this action, an account was placed with Defendant to collect funds from Plaintiff which were alleged to be owed and past due (“debt”).

10. The alleged debt arises from transactions placed on an American Express credit card and were for personal purposes.

11. On or about April 1 2015, Defendant started placing telephone calls to telephone number (917) 737-43xx, Plaintiff’s cellular telephone, to attempt to collect the alleged debt.

12. In connection with the collection of the alleged debt, Defendant placed a telephone call to Plaintiff on April 1, 2015, and left the following voice message:

Hi this message is for Leslie Hughes, or Grace or Bill Weedman, my name is Charmhad Pates and I would appreciate you calling me back at 877-710-8001. Thank you.

13. In connection with the collection of the alleged debt, Defendant placed a telephone call to Plaintiff on April 8, 2015, and left the following voice message:

Hello this message is for Leslie Hughes, my name is Charmhad Pates, and I would appreciate you calling me back at 877-710-8001. Thank you.

14. Defendant did not, through its April 1 and April 8 messages, disclose Defendant's identity.

15. Defendant did not, through its April 1 and April 8 messages, state its name.

16. Defendant did not, through its April 1 and April 8 messages, state its agents' duties, role or position.

17. Defendant did not, through its April 1 and April 8 messages, state the nature of its business.

18. Defendant did not, through its April 1 and April 8 messages, disclose that it was a debt collector.

19. Defendant did not, through its April 1 and April 8 messages, disclose that the purpose of its calls was to collect a debt.

20. Defendant, through its April 1 and April 8 messages, withheld its name to deceive Plaintiff as to Defendant's true identity.

21. Defendant, through its April 1 and April 8 messages, withheld the nature of its call to deceive Plaintiff as to Defendant's true purpose to collect funds from Plaintiff.

CLAIM FOR RELIEF  
Fair Debt Collection Practices Act

22. Defendant violated the FDCPA based on the following:

- a) Defendant violated § 1692d(6) of the FDCPA by failing to provide Plaintiff with its identity in its messages for Plaintiff; and

b) Defendant violated § 1692e(11) of the FDCPA by failing to disclose in its messages that it is a debt collector.

**WHEREFORE**, Plaintiff prays that judgment be entered against Defendant for the following:

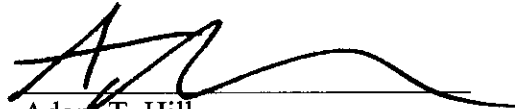
(1) Statutory damages of \$1,000.00 pursuant to the Fair Debt Collection Practices Act, 15 U.S.C. 1692k;

(2) Costs and reasonable attorneys' fees pursuant to the Fair Debt Collection Practices Act, 15 U.S.C. 1692k, and

(3) Awarding such other and further relief as may be just, proper and equitable.

Dated:

KROHN & MOSS, LTD.

A handwritten signature in black ink, appearing to read 'A. Hill', is written over a horizontal line.

Adam T. Hill  
KROHN & MOSS, LTD.  
10 N. Dearborn St., 3rd Fl.  
Chicago, Illinois 60602  
Telephone: 312-578-9428  
Telefax: 866-861-1390  
ahill@consumerlawcenter.com  
Attorneys for Plaintiff